IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 18TH OCTOBER 2006 / 26TH ASWINA 1928

Bail Appl..No. 6152 of 2006

CRIME NO.24/2006 OF RAILWAY POLICE STATION, KOZHIKODE

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PETITIONER/4TH ACCUSED:

ABOOBACKER, S/O. AHAMMED HAJI,
VAYOLI HOUSE, VENGALAM P.O.,
ELATHUR (VIA), KOZHIKODE.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS: STATE :

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
INDIAN RAILWAY POLICE, KOZHIKODE THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6152/2006

DATED THIS THE 18TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is the fourth accused, in crime No.24/2006 of Railway Police Station, Kozhikode. He, along with three others, had committed the offence punishable under Sections 379 and 411 IPC read with Section 34 IPC.

2. The prosecution alleges that accused Nos. 1 to 3 had committed theft of various articles like laptop, mobile phone etc., from a passenger who was travelling in the Malabar Express. Thereafter, the mobile phone was sold to the petitioner. He received the same, knowing that it was a stolen property. Hence the allegation against him.

3. The counsel for the petitioner submits that the petitioner is conducting a shop for repairing mobile phones. It is also submitted that the mobile phone, which is involved in the crime, was given to him for repaire. Thereafter, he used his own Sim Card for testing the mobile phone. It was after tracing IMEI number, the Investigating Officer had come in search of

the petitioner. The counsel also submits that the petitioner is innocent and he had not purchased the stolen property, for the purpose of his use.

4. After hearing both sides and considering the submissions made by either side, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.24/2006 of Railway Police Station, Kozhikode, on 27.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and in the event of his arrest, he shall be released on bail, on he executing a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

6. The petitioner shall report before the Investigating Officer, as and when required, for the purpose of completion of the investigation.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs